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The Los Angeles BAR BULLETIN

Happy Holidays

to all our friends in the

Legal Profession

from

The BEESON Agency

Aline Beeson
Vivianne Alder
Joanne Hermanson

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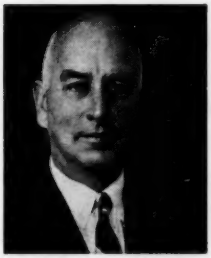
THE PRESIDENT'S PAGE



☆ ☆ ☆ ☆ ☆ ☆ ☆ ☆ A. STEVENS HALSTED, JR.

PROPOSED SURVEY OF LEGAL AID

» » NATIONALLY, legal aid is fifty years old. The movement has grown so that there are now over 200 legal aid offices throughout the country. Ten of these organizations are in Los Angeles County.* The Legal Aid Foundation of Los Angeles, a Community Chest agency, was organized in 1929 and is one of the pioneers in this field. During 1960, this agency rendered aid in 14,769 cases, at a cost of $89,288, or about $6.00 per case. This is a remarkable achievement, accomplished under the leadership of Edwin H. Franke, its Chief Counsel, and a staff of only six other lawyers.

As members of the bar of this County, we properly should concern ourselves with the success of the local legal aid program. We must all recognize that it is essential to our American way of life that every person, whether rich or poor, be entitled to representation by counsel, to his day in court, and to equal protection under the law. Therefore, it is fitting that we concern ourselves on how good a job is being done here.

Our expanding megalopolis is unique in many ways. We have a population greater than that in forty-three of the States of the Union. While the objective of the National Legal Aid and Defender Association has been to provide one legal aid society in every city of over 100,000 population, the urbanization of Los Angeles County actually calls for a greater number of such agencies than the ten above mentioned. Even more important, their efforts might be better coordinated, and most important, some pattern worked out for providing more financial support.

In recognition of these requirements, the National Legal Aid Association is going to conduct a survey in Los Angeles County during the coming Spring. This study will be designed to find out what our local needs, are, and how much they may expand within the next five years. The survey will undoubtedly consider the role of the existing legal aid organizations in meeting the demands of the areas they serve. It is also anticipated that recommendations will be made for the methods of additional financing. The National Association believes that from this survey it will learn a number of lessons for application in other

*Downey, Glendale, Long Beach, Los Angeles, Pasadena, Pomona, San Fernando, San Gabriel, Santa Monica, and South Bay District.

large metropolitan areas in the country.

Recognizing the responsibility of our Association to assist in this significant project, the Board of Trustees has agreed to share equally with the Los Angeles Welfare Federation (Community Chest) and the Legal Aid Foundation of Los Angeles the modest costs which will be incurred by the national organization in conducting the survey. In addition to our financial contribution to the project, the help of study committees of lawyers throughout the County, of welfare agencies serving the areas and of other local community groups will be enlisted.

Without attempting to predict the findings of the survey, we must face up to the fact that as lawyers we are not carrying out the primary responsibility of our profession in this field. I believe we all know in our hearts that we are not doing enough. It is high time for us to be told where we stand and what we, as lawyers, owe to the community.

THIS MONTH'S COVER

This month's cover photograph shows a view of Cahuenga Pass in 1897. For those who drive the Hollywood Freeway today it may seem that the bicycle is still the fastest way to get through the Pass. Photograph from the Collection of Historical Photographs of the Title Insurance and Trust Company.

A DISASTER RECORDS STORAGE PROGRAM FOR THE LAWYER AND SMALL BUSINESSMAN

» » WITH THE RECENT HEATING UP in the "cold war" interest has increased in civil defense. For the first time we see people seriously considering shelters for fallout protection. Fallout shelters would save millions of lives. For our economy to carry on efficiently, however, we need more than fallout shelters. We need ways to reduce the damage that can be caused by an atomic attack. We need to take steps now so that we can rebuild rapidly and can reconstruct our business organizations. Since almost every modern day business transaction involves a record of some kind one of the first lines of inquiry is the preservation of the records essential to our business and private lives.

The Committee on Legal Problems in Disaster of the Los Angeles County Bar Association has been considering such problems and has secured passage of legislation which will enable lawyers and small businessman to store their records and have them available after a disaster.[1]

Although this was done to help prepare for an atomic attack there are other practical aspects to records preservation for the lawyer and small businessman. National disasters can cause loss of records. In the Los Angeles area we think first of earthquakes. There is also the ever present enemy "fire". As an example of this, the Committee heard one interesting story concerning Blum's Restaurant, Bakery and Confectioners. The burning of the office burned all the candy formulas which had to be reconstructed by calling in old employees at great delay and expense.

Much has been done regarding disaster protection for records. Large corporations, such as aircraft companies, oil companies, title insurance

[1]Civil Code §§ 1858.04, 1858.60, 1858.61.

companies and others have turned to microfilm, IBM cards and similar devices as a day to day business convenience. Through such techniques they are able to increase the efficiency of their daily operations. Large public bodies, such as the County of Los Angeles, have likewise turned to microfilming as an efficiency measure.

Many of these large corporations, with large property holdings, own property in remote areas which can be and are used for safe storage of records. The County of Los Angeles, likewise, has safe storage facilities.

So far as the Committee could determine not much attention has been given to the small businessman.[2] His problems of record keeping and storage differ from those of the large businesses. Microfilming generally is not feasible. The possible increase in efficiency does not offset the cost of the microfilming process itself without considering the additional cost of the machines for reading and reproducing the images. Likewise the small businessman usually does not have a remote location at which he can store documents. He must rent space from some company specializing in storage.

Segregation of Vital Records

The first question always is—what records should I store? For disaster purposes it is only necessary to store vital records. This requires segregation from the sea of paper which is necessary for day to day business transactions records which are irreplaceable; those of which a reproduction does not have the same value as the original; those needed to recover moneys promptly; and those necessary to avoid delay in the restoration of production, sales and services.[3]

The small businessman might follow the classification of some of the large corporations which have classified as vital records the following categories:

1. Records necessary to reconstruct the balance sheet, including employees' rights;

2. Records necessary to establish the identity of the business, i.e., Articles of Incorporation, By-Laws, stockholders' lists, partnership agreements, etc.;

3. Records essential to the operation of the company, i.e., for an oil company, oil leases; for a manufacturing company, drawings, specifications, formulas, prototypes, etc.

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[2]Small businessman as used in this article includes lawyers, private businessmen, citizens and others having the common problem of relatively small amounts of records.

[3]Civil Defense Tech. Bull. TB-16-2, May 1955, reprinted August 1959. This bulletin classifies records as follows:

"On the basis of experience, the National Fire Protection Association has divided business records in four classes:

"(a) *Vital records.*—Records which are irreplaceable; those of which a reproduction does not have the same value as the original; those needed to recover monies promptly; and those necessary to avoid delay in the restoration of production, sales and service.

"(b) *Important records.*—Those which would be very expensive to reproduce either in money or time. Many statistical and operating records are in this class.

"(c) *Useful records.*—Those whose loss might be inconvenient but which could be readily replaced, that is records which are not classified sufficiently important to require special form of protection.

"(d) *Non-essential records.*—Those which upon inventory and examination are ready for destruction.

"In general, the following types of records should be considered in a protection program. The list is not all-inclusive. Some businesses might find it necessary to add more types.

"Accounts payable
Accounts receivable
Audits
Bank deposit data
Capital assets list
Charters and franchises
Constitutions and by-laws
Contracts
Customer data
Engineering data
General ledgers
Incorporation certificates
Insurance policies
Inventory lists
Leases
Legal documents
Licenses
Manufacturing processes data
Minutes of directors' meetings
Minutes of stockholders' meetings
Notes receivable
Patent and copyright authorizations
Payroll and personnel data
Pension data
Policy manuals
Purchase orders
Sales data
Shipping documents
Social security receipts
Special correspondence
Statistical and operating data
Stockholders' lists
Stock transfer books
Tax records."

The above tests are general guides which each small business man can apply to his own problems. To some extent a businessman might wish to rely on documents stored by some governmental agency. For example an attorney may not need his certificate showing admission to the Bar.[4] On the other hand a businessman might decide that a particular document is so important to his business that he should not rely on any public agency but should keep his own copy stored in a safe place.

The segregation must be made by the citizen himself. By following the above tests he will be surprised at how few records are really "vital".

Form of Storage

Records of the small businessman should be stored in a form ready for use. No processing should be required. This means duplicates of original documents and rules out microfilm unless the volume to be stored is so great that the saving of space is important. Microfilm has serious disadvantages. Microfilm readers and the electricity to make them work may not be available after a disaster. Paper for reproducing documents probably would not be available because government would have the first priority and would be using all the available supply.

Small Records Storage

The Committee has worked out a program with a storage company for storage at their business records centers of small individual containers of records. This company has the largest records storage operation on the Pacific Coast.

The remote locations for storage would be San Bernardino and Fresno. In both cities the records center is located in modern warehouse buildings of concrete and steel construction with sufficient ventilation to eliminate sweating and condensation and to prevent mold and deterioration.

Sizes and Rates

Sizes	Initial 25 year period	Subsequent 25 year period
1. Envelopes—legal size expandable to one inch thick	$10.00	$ 7.50
2. Document boxes—legal size 5 inch width	40.00	30.00
3. File cartons—legal or letter size one cubic foot	90.00	67.50
4. Multiples of above	Bulk rates	

The fees above quoted will be payable at the time of deposit. Delivery may be made at any company office for forwarding to the depository chosen, i.e., Fresno or San Bernardino. At the depositor's option the envelopes or containers may be sealed at the time of deposit.

The storage company record center services of cataloging, indexing, reference, copying, duplicating and destruction will all be available on a time cost basis if requested by the depositor, unless the envelopes or con-

[4]Excerpts from a letter from the Secretary of The State Bar of California:

"The roll of attorneys admitted to practice in this state is reflected by the records of the Supreme Court and the several district courts of appeal. These, however, are not necessarily complete, particularly with respect to admissions prior to 1906. Some Supreme Court records were destroyed in the earthquake and fire in that year. However, as a practical matter, there are probably only a handful of persons now alive admitted prior to that.

"Since the advent of the State Bar in July, 1927, its roll of attorneys is complete and accurate, and, of course, our records reflect admissions prior to that. We cannot, however, claim that our records are complete prior to 1927.

"The records in this office which reflect the roll of attorneys consist of the member's original registration card and an address card. Reduced photo copies of both of these are maintained in the Los Angeles Office, the copies being prepared under the supervision of this office and then mailed to Los Angeles.

"Micro-films have been made of the Kardex records above mentioned and are made from time to time. These microfilms are kept in a safe deposit box in the Bank of America in Ione, California. Unfortunately we have not yet made arrangements to deposit the last three or four rolls of film, but the records through 1955 are on deposit."

tainers are sealed, in which case the seal will not be broken by the company's employees. Depositors and other authorized persons will be permitted unlimited access to stored envelopes or containers in private examining rooms during regular working hours. Envelopes and containers will be mailed or shipped to a depositor for access at his location and return for a small handling charge plus mailing or shipping costs.

Personnel handling vital records will be covered by a fidelity bond and if necessary will have security clearance.

Protection by Dispersal

This program offered by the storage company is designed to furnish protection by dispersing copies of vital records to areas away from the main industrial center of Los Angeles. The storage buildings are above ground and so could be destroyed if a bomb should hit in the vicinity. More protection would require an underground location. The Committee had one such site located but it proved to be impractical because of water seepage. As far as the Committee knows there are no suitable underground sites in the reasonably accessible area.

The storage buildings are, however, ample protection from fallout radiation. Fallout radiation protection is all that is contemplated for most human beings. It does not make too good sense to spend more money protecting records than in protecting people.

Use by Lawyers

This is the first practical program for records protection which could be used by most lawyers. For example, consider wills. For $20 a client could have a copy of his will stored in two non-target areas. The same is true of partnership agreements and other similar legal documents. If secrecy must be preserved the container can be sealed.

Conclusion

This program which the Committee has worked out with the storage company is the first of its kind anywhere in the country. If the Los Angeles test proves successful, the program may spread elsewhere.

Committee on Legal Problems in Disaster of the Los Angeles County Bar Association

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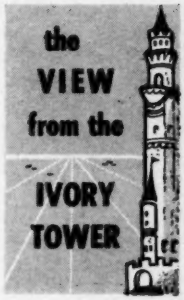
The Significance of Islamic Law in the World Community



By Noel James Coulson

Mr. Coulson is a graduate with a Master's degree from Keble College, one of the twenty-three Oxford Colleges, a barrister of Gray's Inn (one of the four "Inns of Court"), a lecturer in Comparative Law at the University of London and currently a visiting lecturer on this subject at U.C.L.A. Law School. He also has a degree in the Classics and Oriental Languages from Oxford and has extensively researched the subject of Islamic Law, traveling in the Near East and particularly in North Africa for that purpose.

» » FOURTEEN GRADUATE STUDENTS at U.C.L.A. Law School are currently taking an introductory course in Islamic Law. Lest it may be thought that the Law School is indulging in cults of the exotic, with myself as an alien high priest imported for the purpose, these few remarks may serve to explain the significance of this new development and to dispel any unfortunate illusions concerning this system of law.

Academically the growing importance of comparative legal studies needs no emphasis, and to the breadth of outlook which is the principle *raison d'etre* of such studies, Islamic law makes a valuable, it may be said a unique, contribution. Comparative law cannot afford to ignore a system of jurisprudence which unlike the Western theory that law grows out of society is founded on the notion of law as a divinely ordained master-plan to which the structure of State and society must conform; a system which achieves a novel synthesis of legal and moral norms; a law which is the common law of countries so racially and geographically distinct as Pakistan and Northern Nigeria, Indonesia and Tunisia. *Res ipsa loquitur.*

Yet the very extent of Islamic law in practice—the fact that it governs the lives of some four hundred million people—is sufficient indication that it is a subject of more than mere academic value. Commercial interests in fact were first responsible for the interest shown in Islamic law in the United States when a conference of lawyers met at Lenox, Massachusetts, in September 1948 under the sponsorship of Arabian American Oil Co. As a result of this conference George W. Ray, Jr., then general counsel of AR-

AMCO, initiated a policy of training young lawyers of the Company in the Islamic law applicable in Saudi Arabia, a policy which is currently being implemented at Columbia and London Universities.

Such a practical use of Islamic law is naturally a strictly limited and highly specialized field, involving in particular a thorough knowledge of Arabic. Of the wider and eminently practical motives for the study of Islamic law one was propounded by the late Associate Justice of the Supreme Court Robert H. Jackson when he wrote: "Today the anxious countries of the West find in the Islamic world some of their most bold and uncompromising allies in resisting the drive for world supremacy by those whose Prophet is Marx." Allies, like husbands, who feel that they are misunderstood, may well seek consolation elsewhere; and Russia, to judge only from the interest shown in matters Islamic at the Conference of Orientalists held in Moscow last year, is quite prepared to play in this context the role of the sympathetic mistress.

It may be suggested, however, that this essential understanding of Islam is a task for Orientalists or those engaged in the field of international relations, and need not be the concern specifically of the lawyer. This is false —for two very compelling reasons. In the first place the influence of law is all-pervasive in Muslim countries. Islam does not recognise any distinction or division between Church and State, between things secular and things religious. All human activities and relationships—political, social and economic—are subject to the touchstone of the Islamic religious ethic. The law expresses this religious ethic in terms of positive rights and duties and thus forms the supreme determinant and criterion of Muslim behavior and policy. In the second place Islamic law today, although it formally represents the command of Allah in regard to Muslim communities, is not a moribund or archaic system of canon law usually associated with the phrase "palm-tree justice". On the contrary, it is technically a highly developed system, the appreciation of which requires a legally-trained mind. To suppose that Islamic law is to be found simply in the Qur'an and painstaking exegesis thereof would be as false as to identify Roman law with the content of the Twelve Tables. Moreover, Islamic law is currently in the throes of a reformation which in its scope and nature is perhaps without parallel in the history of the legal systems of the world.

In the face of the notion of the law as the fixed and final expression of the divine command and the absence of any legislative power to override it the modernisation of the law could hardly be a simple or straightforward process. Novel interpretations of the basic religious texts have accomplished radical reforms. As regards polygamy, the Qur'an exhorts husbands to treat co-wives with impartiality. By elevating this moral injunction to the rank of a legal condition precedent to the right of polygamy and coupling this with an irrebutable presumption of law that in modern society such a condition is incapable of fulfillment, polygamy has in fact been prohibited. The traditionally unrestricted right of the husband to repudiate or divorce his wife unilaterally and extra-judicially has also been destroyed. The Qur'an suggests that in the event of "discord" between husband and wife arbitrators should be appointed. What more obvious sign of "discord" than a repudiation of his wife by a husband? Who better qualified to assume the function of arbitration than the courts? Hence for the

first time all divorce must be judicial and the courts may consider the question of the husband's motive in desiring a divorce and the question of possible compensation payable to the wife. Procedural devices have also been effectively used. For example, to avoid the harsh results of the excessive period of gestation recognised by the traditional law—a period of two years in the Middle East—the principle that the Muslim ruler has the administrative power to define and circumscribe the jurisdiction of his courts has been judiciously applied: the courts have now been denied competence to entertain any disputed claim of legitimacy (or ancillary cause) where it can be shown that the child concerned was born more than one year after the last possible physical access between the mother and the alleged father. Such exploitation—at times ingenious—of the limited armoury of juristic principles available to the reformers has indeed given a completely new aspect to Islamic law.

But the modernization of the law could not be accomplished wholly from within. In some spheres codes of law based upon Western models have been introduced to replace the traditional law *in toto:* such is the case with the commercial law now obtaining in the Middle East which is largely of French inspiration. Elsewhere, partial adoption of foreign law has resulted in amalgams of this and traditional law. An interesting example is provided by the new codes of criminal law and procedure introduced last year in Northern Nigeria. Here the law of homicide, reflecting predominantly the concepts of English law, preserves the traditional Islamic notion of homicide as a tort in recognising monetary compensation as an alternative sanction and affording some consideration to the wishes of the relatives of the victim in the determination of the sanction to be applied. Finally, when we add to this picture the necessary modifications of traditional concepts which must attend upon the operation of Islamic law at the international level—such as the question of sovereignty in contract highlighted by the 1958 arbitration proceedings between the Saudi Arabian Government and ARAMCO—it will be evident that Islamic law at the present time is a very complex living reality; a system evolving under a variety of influences, indigenous and foreign, the true understanding of which, both process and product, can only be achieved by the trained lawyer.

There is, of course, the obvious occasion for a particular and professional application of such legal expertise in the field of international law, both public and private. And undoubtedly, as the world continues to shrink, the cases will increase where it will be necessary (as a minimal requirement) to say with Thomsen C.J. ". . . the applicable principles of the general Mohammedan law should be and have been accorded consideration and respect" (*Abdul-Rahman Omar Adra v. Clift*, 1961, 195 F. Supp. 857). It is indeed vital that, when it becomes the duty of the court so to act, the appreciation of the terms of Islamic law should be a true and correct one, not only because professional standards so demand but also because of the potential havoc that judicial error may cause in the realm of international relations. British experience – though concerned with the particular task of the administration of Islamic law in dependent territories—provides a suitable warning. The Privy Council, acting as the final court of appeal in the Indian case of *Abul Fata v. Russomoy* (1894), and purporting to apply Islamic

law, unhappily considered a Muslim charitable endowment on the basis of English notions of charity and declared it to be invalid. This decision, which created a storm in India and was eventually overruled there by legislation, has been unfortunately perpetuated in a number of cases over the last decade in Kenya, Aden and Zanzibar, and has resulted in widespread dissatisfaction among the Muslims of those areas. Repetition of such error in conflict cases today would not only be unfortunate; it would be inexcusable. But there is much to be done, particularly in the way of documentation of the subject, before the courts will be able to face with confidence the prospect of the proper consideration of Islamic law.

The courts, however, are but one point of contact between nations on the international stage. At many other levels—political, social and economic—problems arise which require, in part at least, the particular expertise of the lawyer for their satisfactory solution. True as this may be in regard to other nations it is an inescapable fact in relations with Muslim states, where those who would deal with them ignore the all-embracing influence of the law at their peril. Perhaps enough has been said to indicate that Islamic law, as a subject of study, presents a challenge of formidable proportions. It is, as I see it, the particular duty of legal education to accept this challenge and so to make its own specialist contribution to the comprehensive understanding of Islam.

It is Better to Give...

By Peery Price

Mr. Price received his A.B. degree in 1922 from Harvard College and his LL.B. degree in 1925 from Harvard Law School. He is a partner in the Los Angeles firm of Mitchell, Silberberg & Knupp and has been associated with the firm since 1926.

Editor
Los Angeles Bar Bulletin

Dear Sir:

A short time ago one of our well known probate lawyers, complaining about the burden of death taxes, remarked that a man must have a net estate of almost $1,650,000 in order to leave a clear $1,000,000 to his son.

I told him he was wrong by nearly $100,000; and sent him an unpublished opinion by my old friend, Judge Justice of Erewhon County, to prove it.

It occurs to me that your readers might be as interested as he was.

Very truly yours,
PEERY PRICE

IN THE

Superior Court of the State of California

IN AND FOR THE COUNTY OF EREWHON

In the Matter of the Estate of JOSEPH K. SPONDULEX, Deceased.) MEMORANDUM OF DECISION

In this Alphonse and Gaston case, decendent's son and heir and a deserving charity are in dispute over their respective rights to the residue of a substantial estate.

Neither of them wants it.

The case started out, uneventfully enough, when Joseph K. Spondulex died, full of years and honor, leaving a will by which he bequeathed $1,000,000 to John, his son and sole heir at law, and the residue to charity; but with a provision that all death taxes, State and Federal, be paid from the residue.

In due course it was determined that the total net estate, before death taxes, amounted to $1,555,020.70 precisely.

The State officials promptly computed their inheritance tax as follows:

To John	$1,000,000.00	
Plus tax thereon	96,833.33	
Total gift	$1,096,833.33	
Tax on $500,000		$ 37,150.00
Tax on 596,833.33 at 10%		59,683.33
Total Tax		$ 96,833.33

To Charity: Estate	$1,555,020.70	
Less Gift to John	1,096,833.33	
	$ 458,186.37	exempt

The Federal authorities, after sharpening their pencils, computed the estate tax as follows:

Net estate as aforesaid		$1,555,020.70
Less charitable deduction		
Residue	$ 555,020.70	
Less State taxes paid therefrom	96,833.33	
	$ 458,187.37	
Less Estate tax paid therefrom	458,187.37	0
Net estate before specific exemption		$1,555,020.70
Exemption		60,000.00
Taxable estate		$1,495,020.70
Computation of tax:		
On $1,250,000	$ 423,200.00	
On 245,020.70 at 42%	102,908.69	
		$ 526,108.69
Less maximum credit for state tax:		
On $1,040,000	$ 38,800.00	
On 455,020.70 at 6.4%	29,121.32	
		67,921.32
Total Tax		$ 458,187.37

(It is always a mystery to me how these things come out so neatly.)

The executor then proposed that the monies of the estate be divided as follows:

To State	$ 96,833.33
To Federal	458,187.37
To John	1,000,000.00
To Charity	0
	$1,555,020.70

At that point, however, the Inheritance Tax Appraiser submitted to the Court an instrument signed by the President of the Charity, declaring that the Charity renounced the residuary gift to it.

At the same time, he produced a new computation of the inheritance tax, based upon the succession as altered by the renunciation, as follows:

To John:		
Pecuniary legacy		$1,000,000.00
Residue (by intestacy)		555,020.70
		$1,555,020.70
Tax on $ 500,000.00	$ 37,150.00	
Tax on 1,055,020.70 at 10%	105,502.07	
	$ 142,652.07	

And he proposed the following division:

To State	$ 142,652.07
To Federal	458,187.37
To John	954,181.26
To Charity	0
	$1,555,020.70

That is to say, by getting the residue, John's share would be *decreased* by $45,818.74.

(The Federal authorities, following a famous precedent, stood on the sidelines yelling, "Go it, wife! go it, bear!")

If John gets the whole estate, he receives $954,181.26.

If he gets only part, and charity gets the rest, he receives $1,000,000.

The whole seems to be less than one of its parts.

By leaving something (to wit, nothing) to charity, testator increased his gift to John.

(These things aren't always so neat after all.)

Then things began to happen kaleidoscopically.

John said the State's second tax computation was in error—that he didn't get the Federal tax, and the State couldn't tax him on it. (*Re Miller*, 184 Cal. 674.)

The State said that theory had been abrogated by the adoption and subsequent repeal of Revenue & Taxation Code section 13989.

John filed an instrument declaring that he renounced all claims to the estate other than those arising from his legacy.

The State said he could not renounce, because it would be detrimental to the State, his creditor. (*Estate of Kalt* (1940), 16 Cal.2d 807.)

John said the State wasn't his creditor because he had renounced. (Compare 28 Am.Jur. 89.)

The State said he couldn't renounce rights of intestate succession. (*Estate of Meyer* (1951), 107 C.A.2d 799, 810.)

John said he didn't have to renounce, since the Charity's renunciation was made in collusion with the only party who would benefit—the State, and was accordingly ineffective. (*Estate of Kalt* (1940,) 16 Cal.2d 807, 810, *arguendo.*)

There were several other arguments I cannot now recall; but after considering them all, I have reached my conclusion on the basis of an argument not made by any party.

It appears from the record that the Charity has received nothing from this estate.

And that was precisely what it was entitled to receive under the will.

Having already received its legacy, it may not thereafter renounce it. (*Estate of Meyer* (1951), 107 C.A.2d 799, 810, *semble;* 96 C.J.S. 948-9, n. 27 and text.)

In essence, there is nothing for it to renounce.

John's counsel will prepare an order accordingly.

(signed) Solomon Q. Justice
Judge

THE LOS ANGELES COUNTY LAW LIBRARY

By Stanley K. Pearce

Librarian, O'Melveny & Myers, Los Angeles

» » UNLIKE JOB, who said, "My desire is . . . that my adversary had written a book", the lawyer today may feel that too many adversaries have written too many books. If he lives in Los Angeles, however, he can take some solace from the fact that if he should wish to see such a book he could probably find it at the Los Angeles County Law Library. This Library not only surpasses those of other cities in physical plant, but also in the size and depth of collection. As of January, 1960, the Los Angeles County Law Library had 307,000 volumes, while the Association of the Bar of New York had 303,000 volumes, Boston had 123,745 volumes and Chicago had 125,000 volumes. It may also be interesting to note the size of some of the well-known law libraries that are not primarily designed to serve practitioners. The largest is the Law Library of Congress with 991,454 volumes; Harvard Law Library, the largest school library, has 933,362 volumes. California's state law schools both have fine collections with 135,000 volumes at Berkeley and 118,794 volumes at U.C.L.A., but they are not among the country's largest.

One of the greatest conveniences offered the Los Angeles lawyer is that the Los Angeles County Law Library, unlike the Association of the Bar of New York, will lend almost any book in its collection. In New York, books may not be taken from the building. What is more, borrowing privileges at the Los Angeles County Law Library extend to all residents of the county, while the libraries in New York, Boston and Chicago (and, indeed, most large cities) limit borrowing privileges to the members of the bar associations who pay dues for their use.

The Los Angeles County Law Library's volume count includes some 125,000 volumes of foreign law materials. A foreign collection of this size in a county law library is particularly notable as most of the foreign collections in this country are housed in university libraries. The Library also has codes, statutes and reports from all Anglo-American jurisdictions, together with local practice books from all these jurisdictions. More than one foreign law librarian, judge and attorney has been known, on reviewing the collection, to make the comment that the resources for legal research at the County Law Library are equal to any in his home jurisdiction.

There are also some 6,000 volumes of rare books, representing the largest collection of its kind in the West, housed in a locked room with carefully controlled temperature and humidity. Included in this collection are 12 incunabula, one of the rarest of which is *Statham's Abridgement* (1490), one of the earliest digests of English case law. Also included in this collection is a copy of *Conductor*

Mr. Pearce attended the University of Washington where he received his B.S. 1952, LL.B. 1956, and M.L.L. (Master of Law Librarianship) 1957. He was an Assistant Reference Librarian at the Los Angeles County Law Library from 1957 to 1959. He has been with O'Melveny & Myers from 1959 to the present time.

Generalis (1749), the only law book printed by Benjamin Franklin.

Probably of greater interest to most practicing attorneys is the fact that the library is a depository for one copy of all briefs filed in all California appellate courts and the Ninth Circuit Court of Appeals, and, most recently, the United States Supreme Court. Until this year, no library in Southern California received the briefs filed with the U. S. Supreme Court. This material was available only on microfilm, and then only through 1938. Even today for briefs prior to 1938 one must borrow copies from San Francisco, or purchase photographic copies from the Library of Congress.

If the question arises as to why a county law library such as we have in Los Angeles has grown to such magnitude, the answer is found in the farsightedness of the California legislators sitting in 1891, when the California County Law Library Act was enacted. There have been numerous amendments since, but the basic tenets remain. Essentially, each county may establish a law library with a governing board of trustees composed of three Superior Court Judges, one Municipal Court Judge (if there is a Municipal Court within the county), the Chairman of the Board of Supervisors, or a member of the bar in his stead, and a member of the bar, thus making a five or six man board. The present members of the board for the Los Angeles County Law Library are: Judge Frank G. Swain, President, Judge Harold P. Huls, Judge Julius V. Patrosso, Judge Vernon W. Hunt, Maurice Saeta and Houston A. Snidow. The librarian is Forrest S. Drummond.

Probably the most significant aspect of the Act was the system established to finance the libraries. A library fee is collected upon the filing of the first papers in all civil actions in both the Municipal and Superior Courts. These fees are kept for the library by the County Treasurer in a separate library fund. The fee charged is discretionary with the Board of Trustees up to $4.00. The fee presently charged in Los Angeles is $2.00, which means that the Library could have available to it a minimum of an additional $500,000 per year if the trustees decided to charge the maximum statutory fee. Having an income unaffected by political change has allowed the Library to develop long-range plans. Few public institutions have the privilege of operating on the basis of such a stable income.

The Library has shown considerable initiative by doing more than just collecting books. It supported legislation in the 1961 Legislature which established a depository system of California State Documents in county law libraries, and it developed a classification system for law collections which is now in use in some 36 law libraries throughout the country. Some indication of the magnitude of the latter project is evidenced by the fact that the Library of Congress has been working on an as yet unpublished classification system for law for over 10 years.

Good though the Library is, there are areas which deserve consideration for improvement. The Library's collection

is lacking in documents of the Federal Government. In a day when the determination of legislative intent is an ever-recurring problem, the availability of Congressional Committee Hearings and Reports collected only on a selective basis does not adequately meet this need. The fact that other libraries in the area may have these materials is little comfort to the researcher who has made a trip to the Law Library. The inconvenience is compounded by the fact that other libraries do not circulate depository material. Space is not a current problem in expanding the Library's holdings in this area since the building has a capacity of 515,000 volumes and is designed for future physical expansion, when necessary.

In addition, the Los Angeles County Law Library should consider some program to develop new methods of legal research. Work in machine storage and retrieval of legal materials is going on in Chicago and Pittsburgh with far less financial backing than is available in Los Angeles. A program of developing such methods would be expensive, but the program of classifying a collection of over 300,000 volumes was expensive too. With an additional half million dollars a year potentially available this is the ideal place to begin such a project. Although much of the work done to date in this field has been experimental, and the day of the push-button lawyer is, fortunately, not yet upon us. There is little doubt that much of the tedious work the lawyer now does under the heading of legal research could be accomplished quicker and better by a computer. The Los Angeles County Law Library should take the lead in this new and promising area.

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Deductibility of Legal Expenses In Divorce Cases

By Lillian Worthing Wyshak

Lillian Worthing Wyshak is a graduate of U.S.C. Law School and is presently an Assistant United States Attorney (Tax Division) in Los Angeles. She is a member of the Los Angeles County Bar Association, Federal Bar Association, the Sections of Taxation and of Judicial Administration of the American Bar Association and the California Society of Certified Public Accountants.

This article does not necessarily reflect the opinions of the Attorney General, the U.S. Attorney's office, or the Internal Revenue Service.

» » SECTION 212 of the Internal Revenue Code provides that "In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year—

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax."

No deduction is allowable for personal, living, or family expenses. Int. Rev. Code § 262. Generally attorneys' fees and other costs paid in connection with a divorce, separation, or decree for support are so considered and are not deductible by either the husband or the wife, except that the wife may deduct a fee paid by her which is attributable to the production or collection of an amount includible in gross income under § 71. U. S. Treas. Reg. 1.262-1(b)(7).

The rule that no deduction is allowable to a husband for either his wife's or his own attorney's fees in connection with a marital rift and property settlement is reflected in *Davis v. United States*, 287 F.2d 168, 61-1 U.S.T.C. § 9276, 7 A.F.T.R. 2d 738 (Ct. Cl. 1961).[1] There the husband failed to show the existence of circumstances sufficient to warrant any exception to the rule. However, a judicially carved exception[2] was invoked by the Court of Claims three months later, in *Gilmore v. United States*, 290 F.2d 942, 61-2 U.S.T.C. § 9499, 7 A.F.T.R. 2d 1576 (Ct. Cl. 1961), where the husband, who was president, principal managing officer, and majority stockholder of each of three corporations, was allowed a deduction for 80% of the legal expenses incurred by him in his divorce. His position was premised on his fight to protect his salary, his

[1]The fees paid by him for tax advice to him in connection with the property settlement were allowed under § 212 (3); those paid by him for his wife's tax advice disallowed.

[2]*McMurtry v. United States*, 132 F. Supp. 114, 55-1 U.S.T.C. § 9497, 47 A.F.T.R. 1668 (Ct. Cl. 1955); *Baer v. Com'r*, 196 F.2d 646, 52-1 U.S.T.C. § 9310, 41 A.F.T.R. 1227 (8th Cir. 1952); *Bowers v. Com'r*, 243 F.2d 904, 57-1 U.S.T.C. §9605, 51 A.F.T.R. 210 (6th Cir. 1957); *Fisher v. United States*, 157 F. Supp. 364, 58-1 U.S.T.C. § 9296, 1 A.F.T.R. 2d 1012 (W. D. Penn. 1957).

stock, and valuable General Motors franchises which might be lost if the stock were awarded to the wife as community property.

In *Patrick v. United States,* 288 F.2d 292, 61-1 U.S.T.C. § 9364, 7 A.F.T.R. 2d 1067 (4th Cir. 1961), *aff'g* 186 F. Supp. 48, the Fourth Circuit in a decision of dubious merit allowed the deduction of legal fees paid by the husband to both his own and his wife's attorneys, reasoning that the taxpayer's liability for his legal fees and the legal fees for his wife would not have been incurred except for the necessity of the long and extended negotiations culminating in the preservation, maintenance and conservation of the taxpayer's income-producing property by a rearrangement of stock ownership and control in a closely held publishing company. The court said it made no difference to whom the fees were paid as long as they were proximately related to the management, conservation and maintenance of income-producing property, citing *Owens v. Com'r,* 273 F.2d 251, 60-1 U.S.T.C. § 9160, 5 A.F.T.R. 2d 348 (5th Cir. 1960).

Legal fees to prevent the imposition of liability upon the husband for his wife's support are not deductible. *Richardson v. Com'r,* 234 F.2d 248, 56-2 U.S.T.C. § 9609, 49 A.F.T.R. 1440 (4th Cir. 1956).

To the extent that legal expenses of a divorce represent capital expenditures or expense of defending or perfecting title to property they may not be deducted. Reg. § 1.212-1(k) and (n). Attorneys' fees paid to resist a wife's claim that property standing in a husband's name is community property are not deductible since they are for defense of title. *Harris v. United States,* 275 F.2d 238, 60-1 U.S.T.C. § 9290, 5 A.F.T.R. 2d 876 (9th Cir. 1960); *Shipp v. Com'r,* 217 F.2d 401, 55-1 U.S.T.C. § 9103, 46 A.F.T.R. 1169 (9th Cir. 1955); *Hughes v. United States,* ..... F. Supp. ....., 61-2 U.S.T.C. § 9612, 8 A.F.T.R. 2d 5293 (E.D. Tex. 1961). Fees for defending against a wife's action for an accounting by the husband are also not deductible. *Sefton v. Com'r,* 292 F.2d 399, 61-2 U.S.T.C. § 9563, 8 A.F.T.R. 2d 5098 (9th Cir. 1961).

The confusion generated in the area of deductibility of attorneys' fees as expenses may be, and should be, laid to rest by the Supreme Court, since certiorari has been granted in the *Davis, Patrick,* and *Gilmore* cases.

American Bar Study Group Favors Creating General Practice Section

» » CHICAGO—An American Bar Association special committee has taken the first steps toward establishment within the ABA of a Section of General Practice to serve the professional needs of the country's lawyers in general practice.

The idea back of the move is to provide a forum to assist GPs in meeting the broadening demands for legal services in new as well as traditional fields of law. More than half of the nation's quarter million lawyers are in general practice, in spite of a trend in recent years toward specialization in certain fields of law. Similarly, more than half of the 102,000 members of the American Bar Association are classified as general practitioners although some of these engage largely in particular branches of practice.

The special committee, created by the ABA Board of Governors in August to explore the subject, has made a preliminary report favoring establishment of the new general practice section. The committee chairman is John D. Randall, of Cedar Rapids, Ia., former ABA President who is himself a general practitioner. The current President of ABA, John C. Satterfield, participated in the committee session in Chicago on Nov. 5. Formal authorization to establish the section must be voted, however, by the policy-making House of Delegates.

In accordance with ABA procedures for that approval, Chairman Randall announced the special committee would informally seek to obtain names of present or prospective members of the ABA who would enroll in the section if and when it is established. He said the committee hopes to obtain such expressions of intent from 2,500 or more lawyers initially. The present plan is to then submit the proposal to the House of Delegates at the 85th annual meeting of the Association next August in San Francisco.

At the present time the ABA has 18 sections, most of them concerned with specialized fields of law. While many Association members in general practice now are members of one or more of these existing sections, Mr. Randall said the committee concluded there is a clear and growing need for a separate GP section which would provide facilities for continuing legal education to help them keep abreast of new developments in the law and in trial techniques, as well as to generally sharpen their professional skills. He said the proposed section would concern itself with: 1) the holding of panels of knowledgeable lawyers practicing in special fields, presenting to the general practitioner information which would enable him to recognize legal problems in such specialized fields; 2) the discussion of office management and the handling of clients by the individual or by small partnerships; 3) holding seminars on legal subjects of general interest; 4) publication of literature of interest to the general practitioner, and 5) discussions of how the lawyer could best fill his role as a public servant and a community leader.

At its recent meeting the special

committee adopted this statement of the purpose of the proposed Section:

"The purpose of this Section shall be to promote the objects of the American Bar Association by enhancing the role and skills of lawyers engaged in the general practice of law, through study, collection, development and dissemination of material on subjects of interest and concern to them, cooperating with and encouraging membership in other Sections of the Association, gearing its activities to basic principles and procedures and utilizing publications, meetings, seminars, committees and other suitable media for this end, thereby promoting the objects of the American Bar Association."

Either present or prospective members of the American Bar Association who are interested in joining the proposed new section were requested by Chairman Randall to write to: American Bar Association, Committee for the Proposed Section of General Practice, 1155 East 60th St., Chicago 37, Illinois. He asked that they indicate whether they are present members of ABA and prospective members of the proposed new section.

BAR ACTIVITIES *Calendar*

Los Angeles County Bar Association

Committees

December 7—Tax, 12:15 p.m.

December 11—Membership, 4:00 p.m.

December 12—Psychiatric Department of the Superior Court, 4:00 p.m.

December 14—Ethics, 12:15 p.m.

December 19—International Transactions, 12:00 p.m.

Sections

December 14—Probate and Trust Law, Conference Room No. 1, Biltmore, Luncheon, 12 noon. "In Extremis Estate Planning." John T. Pigott, Jr., speaker.

Affiliated Associations

December 1—San Gabriel Valley Bar Association, 12:15 p.m. Election of officers for 1962. President, P. Stanley Clark; Vice President, Robert Bacon; Secretary, Babette Coleman; Treasurer, Donald R. Krag; Program Chairman, Donald D. Bercu; Board of Trustees, B. K. Bettleheim and Stanley Weinstein.

December 4—Inglewood District Bar Association, Elk's Dining Room, 12 noon. Speaker, Judge Vernon Spencer. Topic: State Bar.

December 6—Santa Monica Bay District Bar Association, Fox and Hounds Restaurant, 12 noon, to vote on the Lawyer's Reference Service.

December 7—Beverly Hills Bar Association, Beverly-Wilshire Hotel, 12 noon. Speakers: Roger Arnebergh, Los Angeles City Attorney, Martin H. Webster, David Marmor, and Adley M. Shulman. Topic: Fire Law. For reservations please phone Secretary Sally Dounias, CRestview 4-6104.

December 14—Pasadena Bar Association.

December 15—Long Beach Bar Association, Virginia Country Club, 6:30 p.m. Program: Honoring Past Presidents. Joe Madden, Chairman.

December 16—San Fernando Valley Bar Association, Masque Club, Hollywood. Annual Hi-Jinks.

State Bar of California

September 17 to 21, 1962—Thirty-fourth annual meeting, Beverly Hilton Hotel, Beverly Hills.

American Bar Association

Forum on Electronic Computers – Their Legal and Practical Impact on Law, Business and Industry.

February 1, 2, and 3, 1962, Statler-Hilton Hotel, Los Angeles. For information, communicate with John E. Mulder, Esquire, Director, Joint Committee on Continuing Legal Education, 133 South 36th Street, Philadelphia 4, Pennsylvania.

February 19 and 20, 1962—Mid-winter Meeting, Chicago, Illinois.

August 6 to 10, 1962—Annual meeting, San Francisco.

(Official announcements concerning events of interest to members of the Los Angeles County Bar Association and its affiliated bar associations will be included in the Calendar as space permits. The deadline for submission of dates is the 20th of the prior month. Please send information to the office of the Bar Association.)

PERSONS WHO SERVED ON THE FEDERAL COURTS CRIMINAL INDIGENT DEFENSE PANEL DURING NOVEMBER, 1961

John D. Alsop
Edward C. Baretta
Joseph Besnah
Donald B. Black
Harriett Buhai
John R. Crowe
Roy L. Crowell
Jack R. Fenton
Robert L. Finkel
John R. Flandrick
Charles Force
Daniel N. Fox
Mortimer G. Franciscus
David Gray
Edwin W. Green
Morton Greenberg
Richard Hassenplug
Robert L. Hitchcock
George L. Katz
Sidney Kulchin
Gerald E. Lichtig
Arne S. Lindgren
John Stahr
Richard Swanson
Richard R. Terzian
Milton Wasserman

notes from your Law Library

by JOHN W. HECKEL • Head Reference Librarian, Los Angeles County Law Library

ANTITRUST: *Workable Competition and Antitrust Policy,* by G. W. Stocking (Vanderbilt University Press, 451 p.) develops the concept first enunciated by J. M. Clark in 1939 using workable competition as the standard for violations of the antitrust laws. This volume reprints articles published in law reviews and other journals over a period of years. The DuPont Case, reciprocity, monopoly, the Attorney General's Report, and trade associations are discussed.

BIOGRAPHY: *Lincoln as a Lawyer* by John P. Frank (University of Illinois Press, 190 p.) treats a neglected aspect of the life of the Civil War President. The bulk of Lincoln's adult life was spent practicing law. The major part of the book is devoted to a discussion of his law practice and what it reveals about his mind. Lincoln's wartime application of law is briefly covered. Frank concludes that Lincoln was a good trial lawyer, but he was not creative or original. He made a comfortable living and sued for fees. *My Life in Court* by Louis Nizer (Doubleday & Co., 524 p.) is a New York attorney's account of his law practice with diverse clients. He represented Quentin Reynolds in his libel action against Pegler. His observations on divorce are recounted with the domestic difficulties of Billy Rose and his wife Eleanor. Cross examination of Sigmund Spaeth was a highlight of a plagiarism suit involving "Rum and Coca-Cola."

CIVIL LIBERTIES: *The Price of Liberty* by Alan Barth (Viking, 212 p.) is the author's discussion of his thesis that civil liberties are being threatened today by authority because of exaggerated concern caused by crime. He discusses arrests, confessions, privacy, exclusion of evidence, eavesdropping, and assistance of counsel in the light of Supreme Court decisions and current comment.

CONDEMNATION: *Condemnation Appraisal Practice* (American Institute of Real Estate Appraisers, 586 p.) reprints articles from the *Appraisal Journal* on basic principles of condemnation, federal condemnation practice, highways, valuation problems, leasehold interests and appraisal testimony. The articles are written by attorneys, judges and appraisers.

JURISPRUDENCE: *Freedom and the Law* by Bruno Leoni (Van Nostrand, 204 p.) is a series of lectures delivered at Claremont College by an Italian professor of Law. He is concerned with the freedom of the individual within the framework of the law. After defining freedom, he considers constraint, the rule of law, legislation, representation and the common will.

LAW OFFICE MANAGEMENT: *Financial and Statistical Reports in Administering a Law Firm* by J. C. Biegler (Price Waterhouse, 30 p.) contains the seven basic statements and schedules needed for effective financial management in law firms. The work is applicable to offices of varying size, and is the result of the experience of Price Waterhouse.

PATENTS: *Patents, Research and Management* edited by Howard L. Forman (Central Book Co., 650 p.) is a collection of papers which center around the patenting process. Preliminary protection, patentability, application procedure, examination and granting are covered as well as the related topics of assignments, infringement and government use. Bibliographies, a glossary and case tables are included. Most of the authors are patent attorneys.

MEDICO-LEGAL: *Heart Disease and the Law: The Legal Basis for Awards in Cardiac Cases, Report of a Study* directed by H. F. McNiece (Prentice-Hall, 631 p.) is concerned with the legal aspects of the relationship between strain, trauma, and heart disease. Paul Dudley White contributes a description of the heart and heart attacks. The general portion of the book is devoted to the cause of heart disease and its occupational relationship. The major portion of the book is devoted to a state by state review of court decisions and commentary relating to heart disease under workmen's compensation.

SUPREME COURT: *Death and the Supreme Court* by Barret Prettyman, Jr. (Harcourt, Brace & World, 311 p.) consists of six narratives describing the crime, the trial and the appeal to the Supreme Court. The day to day working process is interwoven into the accounts from the author's experience as a clerk to Justices Jackson and Harlan. Most space is devoted to the Crooker trial in Los Angeles in 1955, with an appended autobiography of the defendant. Other discussions deal with Willie Francis who appealed when electrocution failed the first time, William Fikes whose conviction for rape was reversed, and the case of Green v. U.S. involving double jeopardy.

TAXATION: The County Law Library is now receiving the Bureau of National Affairs series of *Tax Management Portfolios.* Each one deals thoroughly with narrow problems of taxation. Coverage includes an outline of the problem, an analysis of the factors involved and a bibliography. Working papers with forms and checklists complete the portfolio. They are kept current and supplemented. Subjects treated cover: citizens working abroad for U.S. employers, corporate liquidations under Section 333, deferred compensation arrangements, equipment leasing, etc.

TRIALS: *Howl of the Censor,* edited by J. W. Ehrlich (Nourse, 144 p.) is a transcript of the trial of Lawrence Ferlinghetti, San Francisco book seller on charges of selling an obscene poem, *Howl* by Alan Ginsberg. Ehrlich contributes an introduction on the history of censorship and excerpts from the poem are reprinted.

UNIFORM COMMERCIAL CODE: *Anderson's Uniform Commercial Code* (Lawyers Coop., 2 v.) is an annotated edition of the Code containing the text of the provision, the official code commentary, the author's commentary and case citations with cross references. The Uniform Commercial Code has been adopted in 13 states, and is being considered in many others. Provision is made for pocket parts.

MISCELLANEOUS: U.S. Attorney General's Opinion, v. 42 no. 5, August 2, 1961 discusses presidential inability. The California Department of Mental Hygiene has published a symposium held at Atascadero State Hospital on the *Mentally Ill Offender* (53 p.). Participants included Professor Weihofen, Doctors Guttmacher and Diamond, and Judge Bazelon. The American Bar Association Committee working on the International Unification of Private Law has issued a report, July, 1961. (88 p.)

Special Aid-to-Investors Panel at Work

» » A MOST RECENT EXAMPLE of our Association's public service was the creation of a special Aid-To-Investors Panel.

This panel, part of our Lawyer Referral Service, now operating under the chairmanship of Mr. Paul Hutchinson, is currently assisting Los Angeles county investors who purchased ten-per cent trust deeds from irresponsible companies; in cases where the investor requests assistance from our referral service.

The Aid-To-Investors Panel is at work gathering complete information about the defunct companies, utilizing a service set up by the Attorney General, who is making reports available at the six offices of the State Division of Real Estate. These reports, available to attorneys representing the investors, provide latest information both on the status of the companies in the bankruptcy courts, and on claims of investors.

Thousands of individual investors are now receiving their trust deeds from the receivers for the trust deed companies. Typical questions that arise concern foreclosure proceedings brought by the holders of senior encumbrances, the advisability of foreclosures by the investor himself, legal rights of the trustor, trust deed holder, and the possibility of taking other legal action to secure collection of back payments on notes. (Many making payments on loans from the trust deed companies stopped when they read in the newspapers that these companies were in financial difficulty.)

At the request of the Governor, the California Real Estate Association, through local real estate boards, has undertaken the task of assisting in the determination of what property values support the trust deeds. The California Land Title Association, the California Savings and Loan League, and the State Division of Real Estate are cooperating in assembling the data upon which an attorney may evaluate a trust deed.

Each registrant-attorney has agreed to consult with any investor referred to him for the fee of $10.00, payable in advance, for the first hour of consultation if the person has fully completed the Aid to Trust Deed Investors-Information Form, given him when the reference is made. If the person does not wish to complete the Information Form the attorney will charge a fee of $25.00, which includes the completion of the Information Form and an hour's consultation.

Los Angeles Forum on Electronic Computers

» » A THREE-DAY FORUM on Electronic Computers will be held at the Statler-Hilton Hotel in Los Angeles on February 1, 2, and 3, 1962. More specifically, the subject will include Legal and Practical Problems Involved in the Use of Electronic Data Processing in Business, Industry and Law.

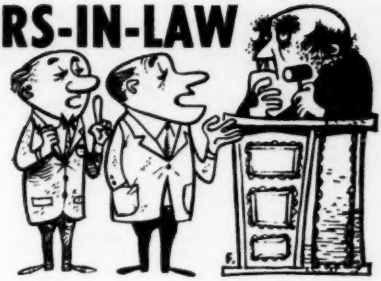
The sponsor is the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, the educational arm of the organized bar. This is the third forum of its kind to be presented by the Joint Committee. The first and second were presented in Washington, D. C. and Chicago. Their success prompts this third venture.

The program will be important because of the sudden and rapidly growing impact of electronic computers, amounting virtually to another Industrial Revolution. It is essential that lawyers, accountants, government officials, business men, computer specialists and others learn about the full scope of the use of computers and their impact. All are invited to attend.

The forum will be divided into two parts. *In the first*, the computers themselves, their functions, their future and their shortcomings, all in relation to their legal implications, will be discussed in non-technical language by those with expert knowledge. *In the second* and major portion, the impact of computers on the law will be stressed. Attention will be directed to this impact in the following areas of law: Evidence; Torts; Banking; Labor Law; Corporation Counsel; Antitrust, Patent and Copyright Law; Tax Law and Administration. From an accounting approach, Business Record Changes wrought by computers will be discussed. Finally, suggestions will be made on how to utilize improved information processing technology in the practice of law.

Detailed descriptive brochures will be mailed in due course to lawyers, accountants, government officials and other interested individuals and organizations. The registration fee will be $100.00 per person. Enrollment is limited to 200. A block of rooms in the Statler-Hilton Hotel has been set aside for those enrolling. In the meantime, information can be obtained from John E. Mulder, Esquire, Director, Joint Committee on Continuing Legal Education, 133 South 36th Street, Philadelphia 4, Pennsylvania. In charge of overall planning will be Roy N. Freed of the Philadelphia Bar (who also planned the prior two forums) aided by a committee of Los Angeles lawyers.

BROTHERS-IN-LAW



By
GEORGE
HARNAGEL, JR.

Out of the Mouth of Babes (IV)

The following bits of wisdom have been culled by *The Bar Examiner* from answers given in recent bar examinations:

(1) There is as much reason to believe the truth of such an entry in a family Bible as to believe entries made in the regular course of business. That is, the production of children is in the course of the mother's regular business.

(2) It is a right of a person, from time memorial, to be tried and convicted on evidence that substantiates the crime charged.

• • •

The matter of punctuation is important; in law, it can be vital. We might make a statement, for instance: "Woman is pretty, generally speaking." Now take away the comma and see the difference.

A lawyer who knew how important this subject was, said to his new stenographer: "I hope you understand the importance of punctuation."

"Oh, my, yes," she assured him. "I always get to work on time." – *The Transcript.*

• • •

In a 4-3 decision . . . the Wisconsin Supreme Court in an original action upheld the right of the Wisconsin Real Estate Brokers Board to promulgate Rule R.E.B. 5.04 which permits a real estate broker to fill in the blanks in standard form legal instruments affecting title to real estate. This is limited to transactions in which he is the broker of record. – *Wisconsin Bar Bulletin.*

• • •

"Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent."–Calvin Coolidge.

• • •

"The Court erred in some of the legal propositions announced to the jury; but all the errors were harmless. Wrong directions which do not put the traveler out of his way, furnish no reasons for repeating the journey."–Bleckley, J., in *Cherry v. Davis,* 59 Ga. 454, 456 (1877).

• • •

Positively Negative

In *Blackburn v. State,* 31 Ariz. 427, 254 P. 467, the trial court admitted evidence that a witness could find no hair on a blood spot. The defendant appealed, claiming that this evidence was wholly "negative" and that its admission was error. In disposing of this contention, the court said: "It is a rule

of evidence deduced from the experience of mankind and supported by reason and authority that positive testimony is entitled to more weight than negative testimony, but by the latter term is meant negative testimony in its true sense and not positive evidence of a negative, because testimony in support of a negative may be as positive as that in support of an affirmative."

• • •

Sixty per cent of all the people sentenced to death in the United States in the four years from 1956 through 1959 waited a year or more before the sentence was executed, a recent study by the American Bar Foundation revealed.—*Journal of the American Judicature Society.*

When you feel dog-tired at night, it may be because you've growled all day.—*Friendly Chat,* house organ of Baker Oil Tools, Inc.

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Taxes are just like golf. You drive your heart out for the green, and then end up in the hole.—*Mueller Record.*

• • •

"The office of coroner has existed in England perhaps since the reign of Alfred and certainly since the reign of Henry I. . . .

"The coroner's office is unnecessary today because it was designed for a state in which there were no police, no public prosecutors, no medical profession, no registrar of deaths, no science of toxicology: a state in which

men were found guilty if they swam when thrown into a lake or burnt their hands when they grasped red-hot iron. . . ." –From *Inquest on Coroners* in *The Economist,* London.

• • •

The Perils of Cross-Examination

Old Lady: "Are you a little boy or a little girl?"

Child: "Sure, what else could I be." –*California Farmer.*

• • •

In all Africa there are only seven law schools and less than 2,000 lawyers. – *Journal of the American Judicature Society.*

• • •

Judges Hagan and Griffiths were hearing argument in Common Pleas Court No. 1 on Preliminary Objections to a Complaint. . . . The attorney who had filed the objections, Hyman Lovitz, had argued for fifteen minutes while his adversary, Joseph Patrick Gorham, took copious notes and prepared for his devastating rebuttal. . . . Suddenly Gorham arose, gathered his papers and sheepishly announced that, alas, this wasn't his case at all. . . . He had been waiting to argue in another case!–*The Shingle* of the Philadelphia Bar Association.

• • •

Add to things we didn't know until we found out:

That "promoters" were once professional informers to the courts. "The office, I confess is necessary, and yet it seldom happeneth that an honest man is employed therein." – From the charge by Lorde Coke to the Grand Jury at Norwich in 1606.

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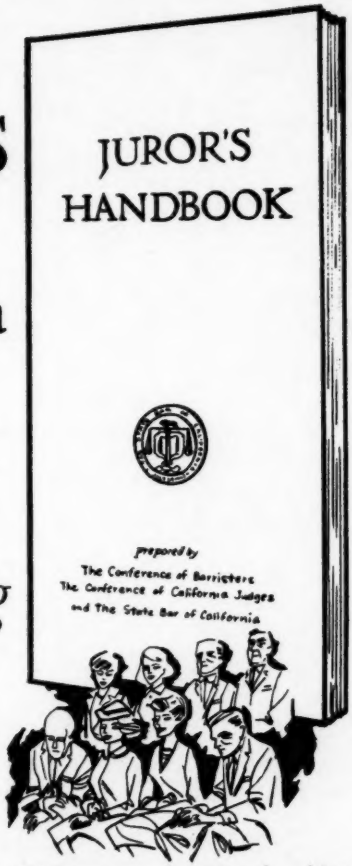

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